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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 08/995,715 | 12/22/1997 | IVANOV ANATOLY GENNADIEVICH | 0971/OD319 | 8165 |

7590

04/26/2002

DARBY & DARBY
805 THIRD AVENUE
NEW YORK, NY 10022

EXAMINER

BRIER, JEFFERY A

ART UNIT

PAPER NUMBER

2672

DATE MAILED: 04/26/2002

31

Please find below and/or attached an Office communication concerning this application or proceeding.

NM

Advisory Action

Application No.

08/995,715

Applicant(s)

GENNADIEVICH, IVANOV
ANATOLY

Examiner

Jeffery A. Brier

Art Unit

2672

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 April 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
(a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☒ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see page 2.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 57-61, 63, 67-69 and 73.

Claim(s) objected to: 48-50 and 52.

Claim(s) rejected: 55, 56, 65, 70-72 and 74.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on 15 April 2002 is a) ☐ approved or b) ☒ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Jeffery A. Brier
Primary Examiner
Art Unit: 2672

Response to Amendment

1. The amendment filed 04/15/2002 under 37 CFR 1.116 in reply to the final rejection has been considered but is not deemed to place the application in condition for allowance and will not be entered because:

- a. The proposed amendment raises new issues that would require further consideration and/or search.

The proposed amendments for claim 70 raises new issues because the cancellation of holographic and hologram and the insertion of image display surface broadens this claim.

The proposed amendments for claim 71 raises new issues because "said outer image" (paragraph (e)) and "means to scan said outer image on said photosensitive plane" (paragraph (f)) was not presented for consideration at the time of the last office action (final rejection).

The proposed amendments to figure 7 raise new issues because reference numbers 7 and 27 are not present in the proposed formal drawings submitted on 04/15/2002.

The proposed amendments to figure 2 present in the proposed formal drawings submitted on 04/15/2002 raise new issues and the issue of new matter because it is different than figure 2 of the foreign priority document and it does not correspond to the original specification at page 13 lines 6-9.

The proposed amendments to figure 3 present in the proposed formal drawings submitted on 04/15/2002 fails to resolve the issues raised in the final rejection at pages

3 and 4. Additionally applicants argument at page 6 paragraph labeled Fig. 3 is not supported by the specification. Page 14 line 11 to page 15 line 2 has been reviewed but support for piezoelectric element 14 to be at the end of the deflector 14 is not present in the originally filed specification.

2. Claim 71 written on page 5 did not follow the rules for making amendments to the claims because material to be deleted is shown in this allegedly clean copy of claim 71 is shown at line 4 within brackets as [presented]. The clean copy of the claims is not to show material deleted, the marked up copy is for this purpose.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A. Brier whose telephone number is (703) 305-4723. The examiner can normally be reached on M-F from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Art Unit: 2672

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



Jeffery A Brier
Primary Examiner
Art Unit 2672